



GEORGIA DEPARTMENT OF
COMMUNITY HEALTH

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OFFICE OF GENERAL COUNSEL

CERTIFICATE OF NEED

Tracking And Appeals Report

Week of March 7, 2005

Georgia Department of Community Health
Office of General Counsel
2 Peachtree Street
40th Floor
Atlanta, Georgia 30303-3159

(404) 656-0456
(404) 656-0442 Fax
www.communityhealth.state.ga.us

New Applications

2005-012 Northside Hospital

Relocate and Consolidate Existing Hospital Services Into Leased Space

Filed: 3/3/2005

Site: 1000 Johnson Ferry Rd., Atlanta, GA 30342 (Fulton County)

Contact: Brian J. Toporek (404) 851-6821

Estimated Cost: \$9,710,668

2005-013 South Georgia Medical Center

To Consolidate Existing IT/IS Department into a Single Location

Filed: 3/7/2005

Site: 2501 N. Patterson Street, Valdosta, GA 31602 (Lowndes County)

Contact: Jack H. Edwards 229-259-4107

Estimated Cost: \$3,021,288

2005-014 Tift Regional Medical Center

The Expansion, Relocation and Addition of Six Beds to the ICU

Filed: 3/11/2004

Site: 901 East 18th Street, Tifton, GA 31793 (Tift County)

Contact: Sarah Thompson 229-386-6102

Estimated Cost: \$15,143,629

Pending Review/Incomplete Applications

2005-010 Henry Medical Center

To Renovate and Purchase a CT Scan

Filed: 2/14/2005 Deemed Incomplete: 2/28/2005

Site: 1133 Eagle's Landing Parkway, Stockbridge, GA 30281 (Henry County)

Contact: Michael P. Britain, CHE 404-847-0100

Estimated Cost: \$973,091

2005-011 Northeast Georgia Medical Center

Addition of a Fourth Cardiac Catheterization Laboratory

Filed: 2/24/2005 Deemed Incomplete: 3/10/2005

Site: 743 Spring Street, Gainesville, GA 30501 (Hall County)

Contact: Tracy Vardeman 770-531-6292

Estimated Cost: \$5,782,503

Pending Review/Complete Applications

2004-090 Medical Center of Central Georgia

Relocation and Consolidation of Cardiovascular Services

Filed: 9/30/2004 Deemed Incomplete: 10/14/2004 Deemed Complete: 12/27/2004

60th Day Deadline: 2/24/2005

Decision Deadline: 3/26/2005

Site: 77 Hemlock Street, Macon, GA 31201 (Bibb County)

Contact: Marvin Noles 478-633-6960

Estimated Cost: \$80,000,000

2004-095 Memorial Health University Medical Center, Inc.

Construction and Relocation of 2 Existing Operating Rooms

Filed: 11/1/2004 Deemed Incomplete: 11/15/2004 Deemed Complete: 12/3/2004

60th Day Deadline: 1/31/2005

Decision Deadline: 3/2/2005 Extended Deadline: 4/1/2005

Site: 4700 Waters Ave, Savannah, GA 31404 (Chatham County)

Contact: Joseph R. Ross 912-350-5159

Estimated Cost: \$9,541,331

2004-097 GoldenCrest at Eagle's Landing

To Establish a Personal Care Home

Filed: 11/1/2004 Deemed Incomplete: 11/15/2004 Deemed Complete: 12/15/2004

60th Day Deadline: 2/12/2005

Decision Deadline: 3/14/2005

Site: 425 Country Club Drive, Stockbridge, GA 30281 (Henry County)
Contact: Terry Carter 770-961-2200 **Estimated Cost:** \$1,010,000

2004-100 WellStar Windy Hill Hospital

Second Floor Renovation

Filed: 11/5/2004 **Deemed Complete:** 11/19/2004

60th Day Deadline: 1/17/2005

Decision Deadline: 2/16/2005 **Extended Deadline:** 3/18/2005

Site: 2540 Windy Hill Road, Marietta, GA 30067 (Cobb County)

Contact: Caroline Aultman 770-792-1542 **Estimated Cost:** \$4,900,296

2004-101 Southeast Georgia Regional

Cost Overrun (Project No. Ga. 025-03)

Filed: 11/8/2004 **Deemed Incomplete:** 11/22/2004 **Deemed Complete:** 1/4/2005

60th Day Deadline: 3/4/2005

Decision Deadline: 4/3/2005

Site: 2415 Parkwood Drive, Brunswick, GA 31520 (Glynn County)

Contact: Marjorie Mathieu 912-466-7000 **Estimated Cost:** \$6,128,841

2004-102 Habersham County Medical Center

Replacement of Mobile MRI with Permanent MRI

Filed: 11/8/2004 **Deemed Complete:** 11/22/2004

60th Day Deadline: 1/20/2005

Decision Deadline: 2/19/2005 **Extended Deadline:** 3/21/2005

Site: 541 Historic Highway 441, N. P.O. Box 37, Demorest, GA 30535 (Habersham County)

Contact: James Peterson 706-754-3113 **Estimated Cost:** \$2,228,150

2004-106 Gordon Hospital

Establish Adult Diagnostic Cardiac Catheterization Service

Filed: 11/22/2004 **Deemed Incomplete:** 12/7/2004 **Deemed Complete:** 12/20/2004

60th Day Deadline: 2/17/2005

Decision Deadline: 3/19/2005 **Extended Deadline:** 4/18/2005

Site: 1035 Red Bud Road, Calhoun, GA 30701 (Gordon County)

Contact: Carlene Jamerson 706-602-7800 **Estimated Cost:** \$1,275,020

2004-109 MCG Health, Inc

Separation and Relocation of Electrophysiology (EP) Laboratory

Filed: 12/3/2004 **Deemed Incomplete:** 12/16/2004 **Deemed Complete:** 2/14/2005

60th Day Deadline: 4/14/2005

Decision Deadline: 5/14/2005

Site: 1120 15th Street, Augusta, GA 30912 (Richmond County)

Contact: Sheila O'Neal 706-721-5709 **Estimated Cost:** \$4,371,640

2004-112 St. Joseph Hospital

The Expansion and Renovation of the Emergency Department

Filed: 12/14/2004 **Deemed Incomplete:** 12/29/2004 **Deemed Complete:** 1/13/2005

60th Day Deadline: 3/13/2005

Decision Deadline: 4/12/2005

Site: 2260 Wrightsboro Road, Augusta, GA 30904 (Richmond County)

Contact: Raymond Owings 706 481-7000 **Estimated Cost:** \$2,156,988

2004-113 Macon Cardio-Vascular Institute, LLC

Acquisition of a CT Scanner

Filed: 12/17/2004 **Deemed Incomplete:** 1/4/2004 **Deemed Complete:** 1/24/2005

60th Day Deadline: 3/24/2005

Decision Deadline: 4/23/2005

Site: 575 First Street, Macon, GA 31201 (Bibb County)

Contact: Joe H. Johnson 478 743-9762 **Estimated Cost:** \$1,490,975

2004-115 Floyd Medical Center

Fourth Floor-South Wing Renovation

Filed: 12/21/2004 Deemed Complete: 1/4/2005**60th Day Deadline: 3/4/2005****Decision Deadline: 4/3/2005****Site:** 304 Turner McCall Blvd. P.O. Box 233, Rome, GA 30162 (Floyd County)**Contact:** Dan Sweitzer 706-509-3259**Estimated Cost:** \$4,679,000**2004-116 University Hospital**

Expansion and Renovation of Existing Hospital Facility

Filed: 12/27/2004 Deemed Complete: 1/10/2005**60th Day Deadline: 3/10/2005****Decision Deadline: 4/9/2005****Site:** 1350 Walton Way, Augusta, GA 30901 (Richmond County)**Contact:** David Henderson 706-828-2454**Estimated Cost:** \$84,500,000**2004-117 Gwinnett Bone & Joint Specialists**

To install a Magnetic Resonance Imaging (MRI) System

Filed: 12/30/2004 Deemed Incomplete: 1/13/2004 Deemed Complete: 1/26/2005**60th Day Deadline: 3/26/2005****Decision Deadline: 4/25/2005****Site:** 2400-1 Wisteria Drive, SW, Snellville, GA 30078 (Gwinnett County)**Contact:** Meg Fitton 770 985-9330**Estimated Cost:** \$1,090,394**2005-001 Piedmont Fayette Hospital**

To Develop a Five-Story Medical Office Building

Filed: 1/4/2005 Deemed Incomplete: 1/18/2005 Deemed Complete: 3/7/2005**60th Day Deadline: 5/5/2005****Decision Deadline: 6/4/2005****Site:** 1255 Highway 54 West, Fayetteville, GA 30214 (Fayette County)**Contact:** Michael Burnett 770-719-7000**Estimated Cost:** \$6,782,459**2005-002 Emory Crawford Long Hospital**

To Purchase a PET/CT Scanner

Filed: 1/4/2005 Deemed Incomplete: 1/18/2005 Deemed Complete: 2/14/2005**60th Day Deadline: 4/14/2005****Decision Deadline: 5/14/2005****Site:** 550 Peachtree Street, NE, Atlanta, GA 30308 (Fulton County)**Contact:** Toni Wimby 404-686-2450**Estimated Cost:** \$2,977,782**2005-003 Canterbury Court**

Expansion and Renovation of a Continuing Care Retirement Community

Filed: 1/6/2005 Deemed Incomplete: 1/19/2005 Deemed Complete: 2/8/2005**60th Day Deadline: 4/8/2005****Decision Deadline: 5/8/2005****Site:** 3750 Peachtree Road., NE, Atlanta, GA 30319 (Fulton County)**Contact:** Andrea Price 404 261-6611**Estimated Cost:** \$27,765,000**2005-004 Alliance Imaging, Inc.**

To offer mobile Positron Emission Tomography "PET" Services in Georgia

Filed: 1/12/2005 Deemed Complete: 1/26/2005**60th Day Deadline: 3/26/2005****Decision Deadline: 4/25/2005****Site:** 3443 Ashford Dunwoody Rd., Suite 167, Atlanta, GA 30319 (DeKalb County)**Contact:** Ryan H. Canavan 1-800-544-3215**Estimated Cost:** \$12,000**2005-005 Athens Regional Medical Center**

To Expand the Existing Emergency Department

Filed: 1/18/2005 Deemed Complete: 1/31/2005**60th Day Deadline: 3/31/2005**

Decision Deadline: 4/30/2005**Site:** 1199 Prince Avenue, Athens, GA 30606 (Clarke County)**Contact:** W. Larry Webb 706-475-3334**Estimated Cost:** \$44,000,000**2005-006 Henry Medical Center**

Expansion of Outpatient Atrium

Filed: 1/21/2005 Deemed Complete: 2/3/2005**60th Day Deadline: 4/3/2005****Decision Deadline: 5/3/2005****Site:** 1133 Eagle's Landing Parkway, Stockbridge, GA 30281 (Henry County)**Contact:** Michael P. Britain 404-847-0138**Estimated Cost:** \$3,289,000**2005-007 Henry Medical Center**

To Construct a Four Level Parking Garage

Filed: 1/21/2005 Deemed Complete: 2/3/2005**Decision Deadline: 3/19/2005****Site:** 1133 Eagle's Landing Parkway, Stockbridge, GA 30281 (Henry County)**Contact:** Michael P. Britain 404 847-0138**Estimated Cost:** \$6,839,375**2005-008 Northside Hospital - Forsyth**

To Establish a Maternity/Newborn Service and Construct a Womens Center

Filed: 2/2/2005 Deemed Complete: 2/16/2005**60th Day Deadline: 4/16/2005****Decision Deadline: 5/16/2005****Site:** 1200 Northside Forsyth Drive, Cumming, GA 30041 (Forsyth County)**Contact:** Brian J. Toporek 404-851-6821**Estimated Cost:** \$36,106,522**2005-009 Northside Hospital**

To Expand and Renovate Northside Hospital

Filed: 2/2/2005 Deemed Complete: 2/16/2005**60th Day Deadline: 4/16/2005****Decision Deadline: 5/16/2005****Site:** 1000 Johnson Ferry Road, Atlanta, GA 30342 (Fulton County)**Contact:** Brian J. Toporek 404-851-6821**Estimated Cost:** \$64,930,970

Pending Review/Complete/Joined Applications

none

Recently Approved Applications

2004-098 Emory Crawford Long Hospital

Renovate and Expansion of Emory Crawford Long

Filed: 11/5/2004 Deemed Complete: 11/19/2004**60th Day Deadline: 1/17/2005****Decision Deadline: 2/16/2005****APPROVED: 2/16/2005****Site:** 550 Peachtree Street, NE, Atlanta, GA 30308 (Fulton County)**Contact:** Toni Wimby 404-686-1000**Estimated Cost:** \$3,996,781**2004-103 Memorial Health University Medical Center, Inc.**

Addition of Third Cardiac Catheterization Laboratory

Filed: 11/12/2004 Deemed Incomplete: 11/29/2004 Deemed Complete: 12/14/2004**60th Day Deadline: 2/11/2005****Decision Deadline: 3/13/2005****APPROVED: 3/11/2005****Site:** 4700 Waters Ave, Savannah, GA 31404 (Chatham County)**Contact:** Joseph Ross 912-350-6500**Estimated Cost:** \$1,497,029

2004-107 Athens Regional Medical Center

Acquisition and Expansion of the Radiation Therapy Services

Filed: 11/23/2004 Deemed Complete: 12/7/2004**60th Day Deadline: 2/4/2005****Decision Deadline: 3/6/2005****APPROVED: 3/4/2005****Site:** 1199 Prince Avenue, Athens, GA 30606 (Clarke County)**Contact:** Bernard Wheatley 706-475-3458**Estimated Cost:** \$2,366,689**2004-108 The Medical Center**

Acquisition of a Fixed-Base MRI

Filed: 11/24/2004 Deemed Complete: 12/9/2004**60th Day Deadline: 2/6/2005****Decision Deadline: 3/8/2005****APPROVED: 3/8/2005****Site:** 710 Center Street, Columbus, GA 31901 (Muscogee County)**Contact:** T. Craig Davis 706-660-6205**Estimated Cost:** \$2,053,000**2004-110 Saint Joseph's Hospital of Atlanta**

Expansion of an Existing Parking Deck

Filed: 12/8/2004 Deemed Incomplete: 12/21/2004 Deemed Complete: 1/21/2005**Decision Deadline: 3/6/2005****APPROVED: 2/23/2005****Site:** 5665 Peachtree Dunwoody Road, N.E., Atlanta, GA 30342 (Fulton County)**Contact:** Douglas J. Holbrook 404 851-5933**Estimated Cost:** \$3,760,000**2004-111 Summerville Surgical Center, LLC**

Establish a Freestanding Limited-Purpose Ambulatory Surgical Cntr

Filed: 12/13/2004 Deemed Complete: 12/28/2004**60th Day Deadline: 2/25/2005****Decision Deadline: 3/27/2005****APPROVED: 2/28/2005****Site:** 1433 Stovall Street, Augusta, GA 30904 (Richmond County)**Contact:** Gayle Evans 770 794-4944**Estimated Cost:** \$454,440

Recently Denied Applications

none

Applications Withdrawn by Applicant

2004-091 Southern Regional Medical Center

Acquisition of a Fixed PET/CT Scanner (joined GA 096-04 & GA 099-04)

Filed: 10/1/2004 Deemed Complete: 10/15/2004**Joined: 11/12/2004 60th Day Deadline: 1/10/2005****Decision Deadline: 2/9/2005 Extended Deadline: 3/11/2005****WITHDRAWN: 3/8/2005****Site:** 11 Upper Riverdale Road, S.W., Riverdale, GA 30274 (Clayton County)**Contact:** Paul Casbergue 770-991-8000**Estimated Cost:** \$4,047,181**2004-096 Gwinnett Medical Center and Joan Glancy Memorial Hospital**

Acquisition of Mobile PET/CT Unit (Joined GA 091-04 & GA 099-04)

Filed: 11/1/2004 Deemed Complete: 11/12/2004**Joined: 11/12/2004 60th Day Deadline: 1/10/2005****Decision Deadline: 2/9/2005 Extended Deadline: 3/11/2005****WITHDRAWN: 3/8/2005****Site:** 1000 Medical Center Boulevard, Lawrenceville, GA 30045 (Gwinnett County)**Contact:** Mark Mullin 678-442-4193**Estimated Cost:** \$2,554,799

Appealed Certificate of Need Projects

2002-029 Sunbelt Home Care (Gordon)

2002-030 Healthfield Home Health, Inc.

2002-032 Amedysis Home Health of Ft. Oglethorpe

Home Health Services Expansion in HPA 1 (HHA)

Agency Decision: Approved 2002-029 and 2002-032, 8/30/02. Denied 2002-030, 8/30/02.

Appealed By: Appealed by 2002-030, 9/18/02.

Hearing Officer: Ellwood F. Oakley, III

Hearing Date: Hearing held on 1/14/03 and 01/15/03;

Hearing Decision: Hearing Officer decision pending, 2/10/03; Hearing Officer Decision affirmed Department decision, 3/29/03. Healthfield filed objections to hearing officer's decision and requested Review Board hearing 04-29-03. Review Board hearing to be held on 7-14-03.

Review Board Decision: Review Board affirmed award of CON to Amedysis Home Health of Ft. Oglethorpe on 08/12/03.

Appealed to Superior Court: Healthfield Home Health, Inc. filed Petition for Judicial Review in Superior Court of Fulton County on 9/11/03. Oral argument held on 8/4/2004.

2003-007 Cancer Treatment Center at Henry County (Henry)

Construction of Oncology Treatment Center

Agency Decision: Approved 6/16/03

Appealed By: Institute for Radiation Therapy, Inc.(IRT), Griffin Regional Radiation Therapy Center (Griffin) and Radiotherapy Clinics of Georgia (RCG) requested administrative hearing in opposition to Cancer Treatment Center at Henry County (CTC) on June 27, 2003.

Hearing Officer: Jordan E. Lubin

Hearing Date: Hearing scheduled 3-2-04 thru 3-4-04;

Hearing Decision: Hearing Officer issued Decision on 5/24/2004 and ordered the decision awarding a CON to CTC be reversed. On 6/9/2004, Hearing Officer issued Order on Motion for Reconsideration modifying his Final Decision issued on 5/24/2004 to add a footnote. Decision remains unchanged in all other respects; On 6/23/2004, CTC and the Department each filed objections to Hearing Officer's final decision. Notice of extension for Review Board meeting issued on 7/2/2004.

Review Board Decision: Review Board meeting held 8/27/2004 at 10:00. Review Board issued decision on 9/8/2004 affirming Hearing Officer's decision of 5/24/2004 and ordered the Department not issue a CON to CTC for radiation therapy service at Henry County.

Appealed to Superior Court: CTC filed Petition for Judicial Review in the Fulton County Superior Court on 10/11/2004. IRT and Griffin filed Cross Petition for Judicial Review on 10/8/2004.

Additional Information: RCG withdrew its appeal of CTC's project and on 2/24/04 the hearing officer ordered that the CON granted by the Department to RCG is deemed unopposed. Hearing shall proceed with CTC, IRT, and Griffin.

2003-070 Open MRI & Imaging of Albany, LLC (Dougherty)

Addition of Fixed-Based MRI Unit

Agency Decision: Approved January 30, 2004

Appealed By: Phoebe Putney Memorial Hospital, Inc. filed an appeal in opposition on 2/26/04; Motion to Intervene filed by Palmyra Medical Centers; motion denied by Hearing Officer on 6/10/04.

Hearing Officer: Melvin Goldstein

Hearing Date: Hearing scheduled for 8/25/2004 at 9:30am. Hearing date set for 9:30 am was postponed. Hearing rescheduled for 11/8/2004 at 9:30 am. Hearing was held on 11/8/2004 and 11/9/2004. The final day of hearing was 12/10/2004.

Hearing Decision: Pending

Additional Information: Hearing Officer issued Order denying Phoebe Putney's motion to remand and granting Open MRI's motion to quash, 11/4/2004.

2003-097 Amedisys Home Health of Augusta (Richmond)

2003-118 CSRA Diversified, Augusta (Richmond)

2003-120 CareSouth, Washington (Wilkes)

2003-122 Guardian Home Care of East Georgia (Richmond)

Establishment of New Home Health Agency in SSDR 7 (Batching Cycle)

Agency Decision: On 3/8/2004, CareSouth was approved; Amedisys, Healthfield, United, CSRA Diversified, TM Ventures, CHMG, Guardian and CSRA Nursing were denied.

Appealed By: Amedisys contests the denial of their application and the approval of CareSouth. Guardian and CSRA Diversified contests denial of their applications. Amedisys, Guardian and CSRA Diversified requests intervention in any other appeal filed in this batch; On 6/3/2004 CSRA Diversified withdrew its request for an appeal. On 6/7/2004 Guardian withdrew request for hearing. Amedisys Augusta filed objections to decision of Hearing Officer and requested oral argument before full Review Board, 12/22/2004.

Hearing Officer: Walter Van Heiningen

Hearing Date: Hearing scheduled for 9/13/04 at 9:30am.

Hearing held 9/13 - 14/2004 at 9:30am.

Hearing Decision: Hearing Officer issued decision on 11/22/2004 and ordered that DCH's decision to award a CON to CareSouth and deny a CON to Amedisys be affirmed that a CON be issued to CareSouth for it to expand into Burke, Columbia, Glascock, Jefferson, Jenkins, Richmond, Warren and Washington Counties.

Review Board Decision: Review Board meeting scheduled 1/24/2005 at 10 am. Review Board meeting to be rescheduled since a 45-day extension was granted due to scheduling conflicts, 1/19/2005. Review Board meeting held 3/4/2005 at 10:00 am.

2003-108 Atlanta Oncology Associates at Reynolds Plantation (Greene)

Construction of New Cancer Treatment Center

Agency Decision: Approved on 4/8/2004

Appealed By: Radiotherapy Clinics of Georgia-Covington and East Georgia Radiation Oncology Center filed opposition on 4/30/04; Oconee Regional Medical Center filed opposition on 5/5/04; MCG Health, Inc. appealed on 5/7/2004. Radiotherapy dismissed their appeal, 7/16/04. Oconee Regional dismissed their appeal on 12/29/2004. MCG dismissed their appeal on 2/7/2005.

Hearing Officer: Ellwood Oakley

Hearing Date: Hearing scheduled for 11/1/04 at 9:00am; Hearing has been re-scheduled for 1/18/2005 at 9:00am.

2004-022 N.Atlanta Diagnostic and Cardiovascular Center d/b/a Global Diagnostic,LLC (Fulton)

Establishment of Diagnostic Imaging Service

Agency Decision: Approved 8/31/2004.

Appealed By: Northside Hospital, 9/3/2004 and Diagnostic Imaging of Atlanta, 9/3/2004.

Hearing Officer: Melvin Goldstein

Hearing Date: Hearing held 11/15-17/2004.

Hearing Decision: In his final decision on 2/18/2005, the Hearing Officer ordered that Global Diagnostic be granted a CON.

2004-033 Athens Ambulatory Surgery Center, LLC (Clarke)

Establishment of Freestanding, Multi-Purpose Ambulatory Surgery Center

Agency Decision: Denied 9/16/2004

Appealed By: Applicant 10/15/2004

Hearing Officer: Melvin Goldstein

Hearing Date: Hearing scheduled for 3/1- 2/2005 at 10:00am. Applicant dismissed request for appeal hearing, 2/15/2005. Hearing Officer issued order dismissing this matter, 2/17/2005.

2004-036 Northside Hospital (Fulton)

Acquisition of an Open MRI Unit

Agency Decision: Approved 8/10/2004.

Appealed By: First Source Diagnostic Center, Inc., 9/9/2004; North Atlanta Scan Associates, Inc, 9/9/2004.

Hearing Officer: William Joy

Hearing Date: Hearing scheduled for 12/7/2004 at 10:00am. Hearing to be rescheduled. Hearing scheduled for 3/29/2005 - 3/30/2005 at 10:00 am

2004-039 First Source Diagnostic Center (Forsyth)

2004-050 Johns Creek Diagnostic Imaging Center

2004-039 Procurement of MRI Equipment

2004-050 Develop an outpatient freestanding multi-modality DTRC

Agency Decision: First Source Diagnostic Center, Inc. approved on 9/24/2004; Johns Creek Diagnostic Imaging Center approved on 9/24/2004

Appealed By: Diagnostic Imaging of Atlanta requested hearing in opposition, 10/4/2004. Johns Creek Diagnostic Imaging Center requested hearing in opposition, 10/12/2004, and requested intervention in any appeal involving Diagnostic Imaging of Atlanta to the extent that such hearing is not consolidated with the hearing requested by Johns Creek. Northside Hospital requested hearing in opposition, 10/18/2004. Emory Dunwoody requested hearing in opposition, 10/20/2004. First Source Diagnostic moved to intervene in any proceedings regarding Johns Creek Diagnostic's application and its CON, 11/3/2004.

Hearing Officer: Walter Van Heiningen

Hearing Date: Hearing scheduled for 2/15-17/2005 at 9:30am. Hearing was held as scheduled.

Hearing Decision: Summary Judgment denying First Source a CON was issued 2/11/2005. Decision for Johns Creek Diagnostic Imaging Center is pending.

2004-048 Phoebe Putney Memorial Hospital Imaging Center (Dougherty)

2004-054 Albany Diagnostic Center, LLC

Development of Outpatient Imaging Center

Agency Decision: Phoebe Putney Memorial, Denied 11/5/2004; Albany Diagnostic Center, Denied 11/5/2004

Appealed By: Albany Diagnostic Center requested hearing on 11/9/2004; Phoebe Putney Memorial requested hearing on 11/15/2004 and seeks intervention in any appeal regarding the joined application of Albany Diagnostic. Palmyra Park Hospital requested intervention in any appeal filed by Phoebe or Albany, 11/23/04. Open MRI & Imaging of Albany requested intervention in any appeal filed by Phoebe or Albany, 11/29/04.

Hearing Officer: Melvin Goldstein

Hearing Date: Hearing scheduled for 2/15/2005 - 2/18/2005. Hearing to be rescheduled.

2004-050 Johns Creek Diagnostic Imaging Center (Forsyth)

Establishment of Freestanding Diagnostic Imaging Ctr

Agency Decision: Approved 9/24/2004

Appealed By: Diagnostic Imaging of Atlanta requested hearing in opposition, 10/4/2004. Northside Hospital requested hearing in opposition, 10/18/2004. Emory Dunwoody requested hearing in opposition, 10/20/2004. First Source Diagnostic moved to intervene in any proceedings regarding John Creek Diagnostic's application and its CON, 11/3/2004.

Hearing Date: Hearing scheduled 2/15-17/2005 at 9:30am. Hearing held as scheduled.

Hearing Decision: Pending

2004-055 WellStar Kennestone Hospital (Cobb)

Addition of CyberKnife Stereotactic Radiosurgery Unit

Agency Decision: Approved 10/29/2004

Appealed By: Piedmont Hospital 11/24/2004

Hearing Officer: Ellwood Oakley

Hearing Date: Hearing scheduled for 3/21/2005 at 9:00 am.

2004-060 Northside Hospital - Cherokee (Cherokee)

Establishment of Adult Cardiac Catheterization Services

Agency Decision: Approved 12/30/2004

Appealed By: Piedmont Hospital requested hearing in opposition, 1/27/2005.

Hearing Officer: William Joy

Hearing Date: TBD

2004-061 Radiotherapy Clinics of Georgia (DeKalb)

Establishment of New Radiation Therapy Services

Agency Decision: Denied 10/21/2004

Appealed By: Radiotherapy Clinics of Georgia. Atlanta Oncology filed a Motion to Intervene, 11/30/2004.

Hearing Officer: William Joy

Hearing Date: TBA

2004-086 Surgical Centers of Georgia (Bibb)

Addition of Third OR and Pain Management to Existing ASC

Agency Decision: Denied 1/25/2005

Appealed By: Applicant 2/2/2005

Hearing Officer: William Joy

Hearing Date: TBA

Appealed Determinations

DET-2003-001 Alliance Imaging, Inc.

Requested determination regarding acquisition and operation of mobile CT scanner. Requested hearing on determination canceling Letter of Exemption. Cancellation of Determination: 1/15/2004. Appealed by applicant on 2/3/2004. Clifford M. Weiss is Hearing Officer.

DET-2003-002 Stockbridge Diagnostic Imaging

Requested determination regarding acquisition of Refurbished Philips CT System. Requested hearing on determination canceling Letter of Exemption dated 1/15/2004. Appealed by applicant on 2/6/2004. Clifford M. Weiss is Hearing Officer.

DET-2004-069 Atlanta Oncology Associates, PC – Northside/Alpharetta Cancer Treatment Center

Change location of its radiation therapy facility and linear accelerator. Request approved on 1/21/2004 but Department cancelled its determination on 4/28/2004. Applicant requested hearing on 5/28/2004. Clifford Weiss is Hearing Officer.

DET- 2004-001 North Atlanta Scan Associates, Inc.

(2004-CV-89690) (A05D0162)

NASA requested hearing for the purpose of contesting the validity of a cease and desist letter issued by Department on 11/14/2003. Hearing Officer is Melvin Goldstein. Georgia Alliance of Community Hospitals, Inc. and Diagnostic Imaging of Atlanta have sought intervention. Hearing began 2/25/2004 and continued to 3/18-19/2004. Hearing Officer issued decision on 4/19/2004 denying NASA's appeal. On 6/30/2004, NASA filed Motion for Withdrawal of Final Agency Decision and Request for Rehearing, Reconsideration and Stay. On 7/14/2004, Commissioner Burgess denied NASA's motion. On 8/13/2004 NASA filed petition for judicial review in the Superior Court of Fulton County to stay the Department's decision and for injunctive relief. On 11/29/2004, Superior Court ordered NASA to cease and desist all operations at the Peachtree Dunwoody Road facility until it applies for and receives CON approval. DIA and Georgia Alliance mandamus actions were rendered moot. NASA filed an Emergency Motion for Enforcement of Supersedeas, which was granted by the Court of Appeals on 12/22/2004. NASA also filed an application for discretionary appeal, which was granted on 1/12/2005 by the Court of Appeals.

DET-2004-079 United Medical System, dba PET Scans of America

United Medical Systems requested hearing on 7/7/2004 to contest cease and desist order issued by Department on 6/17/2004. Hearing Officer is Clifford Weiss.

DET-2004-036 Coliseum Medical Centers and Coliseum Surgery Center

Requested transfer of four endoscopy procedure rooms from hospital to Same-Day Surgery Center without CON review. Denied 6/17/2004. Coliseum requested a hearing on 7/15/2004. Hearing Officer is Ellwood Oakley. Hearing scheduled 12/8-9/2004. Hearing to be rescheduled.

1995-092-CAN Southern Crescent Rehabilitation & Retirement Center

Requested hearing on 10/26/2004 for the purpose of contesting a Notice of Cancellation issued by the Department. Hearing Officer is Walter Van Heiningen.

DET-2003-020-CAN Piedmont Hospital-Fayette Community Hospital

Requested hearing on 11/12/2004 to contest cancellation of Determination Letter of 2/13/2003. Hearing Officer is Ellwood Oakley. Hearing scheduled for 3/7/2005 at 9:00 am. Hearing postponed. New hearing date pending.

2004-039-C&D First Source Diagnostic Center, Inc.

On 10/25/04, the Department issued a second Cease and Desist letter requiring First Source to cease offering MRI services until the resolution of all pending appeals. First Source requested hearing contesting this second cease and desist letter, 11/19/04. Hearing Officer is Walter Van Heiningen. Northside Hospital filed Motion to Intervene, 1/13/2005. Hearing was held 2/15-17/2005.

2004-039-CMP First Source Diagnostic Center, Inc.

On 12/3/2004, the Department notified First Source that civil monetary penalties had been instituted due to violation of the CON Statute. First Source requested hearing on 12/30/2004 to contest the imposed fines. Hearing Officer is Walter Van Heiningen. Northside Hospital filed Motion to Intervene, 1/13/2005. Hearing was held 2/15-17/2005.

2002-106-CAN & EXT Health Scholarships, Inc., dba Ethica Health and Retirement (04-CV-27175)

Granted a CON to construct 80-bed nursing facility on 3/7/2003. On 2/20/2004 Health Scholarships requested a nine-month extension of initial twelve-month duration period. Extension denied 2/24/2004. Applicant appealed denial of extension on 3/4/2004 (2002-106-EXT). Department issued Cancellation Notice effective 3/26/2004 due to non-compliance. On 4/28/2004 Health Scholarships appealed the Department's cancellation of the CON (2002-106-CAN). Walter Van Heiningen is Hearing Officer. Hearing Officer issued decision on 7/22/2004 affirming the decision of the Department to deny the extension of time and to cancel the CON. On 8/20/2004, Health Scholarships filed Application for Review of Hearing Officer's Decision with Commissioner Burgess. Commissioner affirmed the initial decision of the hearing officer on 10/25/2004. Health Scholarships filed Petition for Judicial Review on 11/20/2004 with Superior Court of Bibb County. Department acknowledged service on 11/29/2004. Bibb Superior Court issued Order on 2/15/2005 affirming the final administrative decision of the Department.

LNR-MRI-2004-028 Neurology Specialists of Savannah, P.C.

Acquire pre-owned MRI unit to be installed as part of a new full service neurology facility. Request denied 1/21/2005. Applicant requested hearing 2/2/2005. Ellwood Oakley is Hearing Officer.

Requests for Letters of Non-Reviewability for Establishment of Physician-owned Ambulatory Surgery Facilities

LNR-ASC-2004-018 Thomasville Orthopedic Ambulatory Surgery Center

Establish a physician-owned, single specialty ambulatory surgery center

Site: Smith Avenue, Thomasville, GA

Number of OR's: 2 **Specialty:** Orthopaedics

Physician(s) authorization requested: 4 - Frederick R. Nusbickel, MD; Charles E. Hancock, MD; Bradley N. Walter, MD; Richard W. Murphy, MD

Project costs as submitted: \$200,117.00

Request received: 6/14/04

Contact person: Brenda J. Fletcher, (229) 226-9141

Determination: Pending **Determination Date:**

LNR-ASC-2004-022 Marietta Eye Clinic, PA

Develop a physician-owned, single specialty ambulatory surgery center

Site: 895 Canton Road, Building 200, Marietta, GA 30060

Number of OR's: 3 **Specialty:** Ophthalmology

Physician(s) authorization requested: 11

Project costs as submitted: \$1,358,335

Request received: 7/2/2004

Contact person: Daniel M. Beall, (770) 394-8465

Determination: Pending **Determination Date:**

LNR-ASC-2004-027 Foot & Ankle Center of Middle Georgia, LLC

Establish a physician-owned, single specialty, ambulatory surgery center

Site: 1040 Morningside Drive, Perry, GA

Number of OR's: 1 **Specialty:** Podiatry
Physician(s) authorization requested: 1 - Sarvepalli D. Jokhai
Project costs as submitted: \$478,032.35
Request received: 9/8/2004
Contact person: Roger N. Phillips, (770) 335-9797
Determination: Pending **Determination Date:**

LNR-ASC-2004-035 The Houston Orthopedic Surgery Center, LLC
Establish a physician-owned, single specialty, ambulatory surgery center
Site: 3051 Watson Boulevard, Suite 550, Warner Robins, GA
Number of OR's: 2 **Specialty:** Orthopedics
Physician(s) authorization requested: 5
Project costs as submitted: \$1,348,564.28
Request received: 12/7/2004
Contact person: Clyde L. Reese, III, (404) 477-2850
Determination: Pending **Determination Date:**

LNR-ASC-2004-036 DCA Diagnostics, LLC
Establish a physician-owned, single specialty ambulatory surgery center
Site: 880 Crestmark Drive, Suite 102, Lithia Springs, GA 30122
Number of OR's: 3 **Specialty:** Gastroenterology
Physician(s) authorization requested: 9
Project costs as submitted: \$1,139,887.16
Request received: 12/16/2004
Contact person: Gayle R. Evans, (770) 794-4944
Determination: Pending **Determination Date:**

LNR-ASC-2004-037 Surgery Center for Urology, LLC
Establish a physician-owned, single specialty ambulatory surgery center
Site: 290 Country Club Drive, Suite 240, Stockbridge, GA 30281
Number of OR's: 2 **Specialty:** Urology
Physician(s) authorization requested: 5
Project costs as submitted: \$1,380,588.05
Request received: 12/22/2004
Contact person: Daniel J. Mohan, (404) 504-7610
Determination: Pending **Determination Date:**

LNR-ASC-2005-001 Hudes Endoscopy Center, LLC
Establish a physician-owned, single specialty ambulatory surgery center
Site: 4275 Johns Creek Parkway, Building F, Suite A, Suwanee, GA
Number of OR's: 2 **Specialty:** Gastroenterology
Physician(s) authorization requested: 1
Project costs as submitted: \$557,335.00
Request received: 2/2/2005
Contact person: Brian K. Hudes, MD, (770) 656-7381 or (678) 475-1614
Determination: Pending **Determination Date:**

LNR-ASC-2005-002 Gainesville Eye Associates, LLC
Construct a physician-owned, single specialty, office-based ambulatory surgery center
Site: 2061 Beverly Road, Gainesville, GA
Number of OR's: 2 **Specialty:** Ophthalmology
Physician(s) authorization requested: 2
Project costs as submitted: \$1,146,775
Request received: 2/7/2005
Contact person: Edward C. Luke, Jr., (770) 951-8427
Determination: Pending **Determination Date:**

LNR-ASC-2005-003 Georgia Pain Spine Center, LLC
Establish a physician-owned, single specialty, office-based ambulatory surgery center.

Site: 15 Medical Drive, Suite 301, Cartersville, GA
Number of OR's: 2 **Specialty:** Pain Management
Physician(s) authorization requested: 3
Project costs as submitted: \$989,823.00
Request received: 2/15/2005
Contact Person: Edward C. Luke, Jr., (770) 951-8427
Determination: Pending **Determination Date:**

LNR-ASC-2005-004 Atlanta South Endoscopy Center, LLC
Establish a physician-owned, single specialty, office-based ambulatory surgery center
Site: 34 Riverdale Road, Suite 201, Riverdale, GA 30274
Number of OR's: 2 **Specialty:** Gastroenterology
Physician(s) authorization requested: 2
Project costs as submitted: \$1,325,625.00
Request received: 2/23/2005
Contact person: Alan H. Matilsky, (770) 951-7945
Determination: Pending **Determination Date:**

Requests for Letters of Non-Reviewability for Diagnostic or Therapeutic Equipment

LNR-EQT-2005-001 Dr. Renna Yonkosky d/b/a North Georgia Institute for Wound Care
Request to establish a wound care DTRC with acquisition of various equipment including a Soring ultrasound
Site: 250 Pirkle Road, Cummings, Georgia 30040
Value as Submitted: \$50,000 **Request Received:** 2/2/2005
Contact Person: Carol Mitchell (770) 465-7601
Determination: Letter Issued **Determination Date:** 2/28/2005

LNR-EQT-2005-002 Statesboro Imaging Center, Statesboro, Georgia
Request to acquire by lease a Toshiba OPART Ultra MRI Scanner to be located in physician's office
Site: 8 Lester Road, Statesboro, Bulloch County, Georgia 30458
Value as Submitted: \$721,100.00 **Request Received:** 2/18/2005
Contact Person: Connie Collins (912) 764-5656
Determination: Letter Issued **Determination Date:** 3/11/2005

LNR-EQT-2005-003 The Longstreet Clinic, PC, Gainesville, Hall County, Georgia
Request to acquire by purchase a fixed-based GE Promo Lightspeed Ultra 8-Slice CT Scanner with Volume Viewer and AVA to be located in physician office
Site: 725 Jesse Jewel Parkway, Gainesville, Hall County, Georgia 30501
Value as Submitted: \$715,128.00 **Request Received:** 2/24/2005
Contact Person: T. Loren Funk (770) 533-6591
Determination: Letter Issued **Determination Date:** 3/11/2005

LNR-EQT-2005-004 Magnum Imaging, Lawrenceville, Gwinnett County, Georgia
Request to acquire by purchase a mobile 1993/1994 Siemens Impact Expert MRI unit to be employed in Commerce, Cartersville, and Metter, Georgia
Site: Medical Transit Systems, Cartersville, Georgia 30121
Value as Submitted: \$116,500 **Request Received:** 3/7/2005
Contact Person: Kobina Hayfron (678) 362-1492
Determination: Pending **Determination Date:**

LNR-EQT-2005-005 The Emory Clinic, Inc., Atlanta, Dekalb County, Georgia
Request to use a fixed-based Philips ACSNT-PT1000 MRI unit at new site
Site: 59 Executive Park South, Atlanta, Georgia 30329
Value as Submitted: \$713,452.69 **Request Received:** 3/8/2005
Contact Person: Mike Mason (404) 778-5639

Determination: Pending

Determination Date:

LNR-EQT-2005-006 Albany Diagnostic Center, LLC, Albany, Dougherty County, Georgia

Request to acquire a fixed-based GE LightSpeed Qx/I CT Scanner to be located in freestanding multi-modality imaging center

Site: 2624 Dawson Road, Albany, Georgia 31701

Value as Submitted: \$519,118.50

Contact Person: Richard L. Gray (706) 354-1036

Determination: Pending

Request Received: 3/9/2005

Determination Date:

LNR-EQT-2005-007 Rockdale Medical Center, Conyers, Rockdale County, Georgia

Request to purchase a fixed-based GE LightSpeed Qx/I Advantage CT Scanner to be located in hospital

Site: 1412 Milstead Avenue, Conyers, Georgia 30012

Value as Submitted: \$422,945.76

Contact Person: Joy L. Davis (770) 918-3914

Determination: Pending

Request Received: 3/9/2005

Determination Date:

Requests for Miscellaneous Letters of Determination

DET-2005-001 Doctors Hospital Surgery Center, Evans, Georgia

Request for determination regarding addition of two minor procedure rooms at a cost below the capital expenditure threshold

Request Received: 1/4/2005

Contact Person: Jennifer D. Malinovsky, Esq. (404) 817-6136

Determination: Pending

Determination Date:

DET-2005-008 Coffee Regional Medical Center, Inc., Douglas, Georgia

Request for determination regarding up-fitting of medical office building space at a cost below capital threshold

Request Received: 2/10/2005

Contact Person: George L. Heck (912) 389-2112

Determination: Non-Reviewable as Proposed

Determination Date: 2/28/2005

DET-2005-009 Tift Regional Medical Center, Tifton, Georgia

Request for determination regarding renovation of existing space for expansion of Pharmacy

Request Received: 2/11/2005

Contact Person: Sarah S. Thompson (229) 386-6192

Determination: Non-Reviewable as Proposed

Determination Date: 2/28/2005

DET-2005-010 Phoebe Putney Memorial Hospital

Request for determination regarding capital expenditures below threshold to expand and move hospital sleep disorders department

Request Received: 2/16/2005

Contact Person: Lori Jenkins (229) 312-1432

Determination: Non-Reviewable as Proposed

Determination Date: 2/28/2005

DET-2005-011 Griffin Regional Radiation Therapy Center, Inc., Griffin, Spalding County, Georgia

Request for determination regarding replacement of Linear Accelerator

Request Received: 2/25/2005

Contact Person: William Hritz (770) 994-1645

Determination: Non-Reviewable as Proposed

Determination Date: 3/11/2005

DET-2005-012 Cobb Hospital d/b/a WellStar Cobb Hospital, Austell, Cobb County, Georgia

Request for determination regarding replacement of existing special procedures/radiology equipment

Request Received: 2/28/2005

Contact Person: Caroline Aultman (770) 792-1542

Determination: Non-Reviewable as Proposed

Determination Date: 3/11/2005

DET-2005-013 RJ Taylor Memorial Hospital d/b/a Taylor Regional Hospital, Hawkinsville, Pulaski County, Georgia

Request for determination regarding expansion of wellness and rehabilitation center at a cost below threshold

Request Received: 3/2/2005

Contact Person: Dan S. Maddock (478) 783-0200

Determination: Non-Reviewable as Proposed

Determination Date: 3/11/2005

DET-2005-014 Phoebe Putney Memorial Hospital, Albany, Dougherty County, Georgia

Request for determination regarding purchase and installation of therapy pool at a cost below capital expenditure threshold

Request Received: 3/10/2005

Contact Person: Lori Jenkins (229) 312-1432

Determination: Pending

Determination Date:

Requests for Extended Implementation/Performance Period

2002-026 The Medical Center of Central Georgia

Renovation of Hospital Laboratory

Request to extend effective period

Site: 777 Hemlock Street, Macon (Bibb)

Project Approved: 09/30/2002

Project Completion Date: 03/31/2005

Contact: Marvin Noles (478) 633-1455 **Approved Cost:** \$3,901,428

Determination: Approved **Extended Project Completion Date:** 12/01/2005

2003-129 Spalding Regional Medical Center

Development of Women's Center/Reconfiguration of existing inpatient beds

Request to extend initial 12-month implementation period

Site: 601 South Eighth Street, Griffin (Spalding)

Project Approved: 04/23/2004

Project Completion Date: 4/23/2007

Contact: Rebekah Logan (770) 229-6469 **Approved Cost:** \$10,582,259

Determination: Approved **Extended Implementation Date:** 10/22/2005

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